In the High Court of Judicature at Madras

Dated: 15.03.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

W.P.No.9876 of 2007
& M.P.No.1 of 2007

R.Srinivasan .. Petitioner

Vs..

1.S.Vadivel

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

3.The Member Secretary,
Chennai Metropolitan Development
Authority, Egmore,
Chennai-600 003.

4.The Assistant Engineer,
Division No.95,
Corporation of Chennai,
6th Street, CIT Colony,
Mylapore, Chennai-600 004.

5.The Secretary,
Department of Housing and Development,
Secretariat, Fort St. George,
Chennai-600 009. .. Respondents

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Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to forbearing the respondents 2 to 4 herein from in any manner demolish or alter the building situate in door No.5/1 Sri Krishnapuram Street, Royapettah, Chennai-600 014 pending disposal of the appeal preferred by the Petitioner as against the order passed by the third respondent in his proceedings bearing No.BC1/21916/06 dated 18.01.2007, before the fifth respondent under Section 79 of the Town and Country Planning Act, 1971.

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For Petitioner : Mr.Satish Parasaran
For respondents 2&4 : Mr.A.Mohammed Ghouse
For 3rd respondent : Mr.J.Ravindran
For 5th respondent : Mr.P.Subramanian Govt. Advocate

ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner has filed the above writ petition to issue a writ of mandamus forbearing respondents 2 to 4 herein from in any manner demolishing or altering the building situate in door No.5/1 Sri Krishnapuram Street, Royapettah, Chennai-600 014 pending disposal of the appeal preferred by the Petitioner as against the order passed by the third respondent in his proceedings bearing No.BC1/21916/06 dated 18.01.2007, before the fifth respondent under Section 79 of the Town and Country Planning Act, 1971.

2. On direction, Mr.A.Mohammed Ghouse takes notice for respondents 2 and 4, while Mr.C.Ravindran for third respondent and Mr.P.Subramanian for fifth respondent takes notice.

3. Considering the limited relief prayed for and also the assertion that against the order passed by the third respondent dated 18.01.2007, the petitioner preferred an appeal before the fifth respondent under Section 79 of the Town and Country Planning Act, 1971 and also of the fact that the said appeal is still pending with the fifth respondent, we are of the view that ends of justice would be met by directing the fifth respondent to consider and dispose of the appeal of the petitioner on merits, in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. Till such disposal of the appeal, no further action need be taken against the petitioner in respect of the building in question. The learned counsel for the petitioner has informed this Court that the petitioner undertakes not to alter the structure till the final order being passed by the fifth respondent as directed above.

4. The writ petition is disposed of accordingly. No costs. M.P.No1 of 2007 is closed.

raa

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1 .The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

2. The Member Secretary
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.The Assistant Engineer,
Division No.95, Corporation of Chennai,
6th Street, CIT Colony,
Mylapore, Chennai-4.

4. The Secretary
Department of Housing & Development,
Secretariat,
Fort St George, Chennai-9.

+1 cc to M/s. Sathish Parasaram, Advocate Sr.No.17006.

+1 cc to Mr.A.Mohamed Gouse, Advocate Sr.No.16551.

+1 cc to Mr.J.Ravindran, Advocate Sr.No.16818.

+1 cc to Government Pleader Sr.No.16617.

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